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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/437,590	11/09/1999	BRANT L. CANDELORE	80398.P217	8195

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EXAMINER

WINTER, JOHN M

ART UNIT PAPER NUMBER

3621

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/437,590

Applicant(s)

CANDELORE, BRANT L.

Examiner

John M Winter

Art Unit

3621

HW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 74-95,97-100 and 102 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 77-95,97-100 and 102 is/are allowed.
- 6) ☒ Claim(s) 74-76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 13.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 3621

DETAILED ACTION

Status

Claims 1-73, 96 and 101 have been canceled
Claims 74-95, 97-100 and 102 remain pending.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Response to Arguments

The Applicants arguments filed on September 8, 2003 have been fully considered.

The amended claims are rejected in view of Hirose (US Patent 5,917,915) and (US Patent 5,897,218). See following rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 74-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirose (US Patent 5,917,915) in view of Nishimura et al.(US Patent 5,897,218)

As per claim 74,
Hirose ('915) discloses the copy management method of claim 77,
wherein the second output is based on the first output.(Column 3, lines 2-9)

As per claim 75,
Hirose ('915) discloses the copy management method of claim 77,

Art Unit: 3621

wherein the descrambling of the digital content and the concurrent outputting of the first output and the second output are performed by a first conditional access unit.(Figure 5)

As per claim 76,

Hirose ('915) discloses the copy management method of claim 77

Hirose ('915) does not explicitly disclose the storage of the second output comprises storing the digital content along with at least one access requirement. Nishimura et al.('218) discloses the storage of the second output comprises storing the digital content along with at least one access requirement. (Column 1, lines 62-67, column 2, lines 1-8). It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Hirose method with the Nishimura et al. method in order to eliminate the possibility that the general public might by content that is designated pay per view.

As per claim 77,

Hirose ('915) discloses a copy management method for controlling storage and reproduction of digital content, comprising:

receiving a digital bitstream including program data, the program data including system information and the digital content in a scrambled format; (Column 2, lines 49-67, column 3, lines 1-4)

descrambling the digital content in the scrambled format to provide a first output including the digital content in a descrambled format;(Column 3, lines 2-4)

retrieving the stored digital content and the stored access requirement (Figure 5)

descrambling the stored digital content using the stored access requirement.(Figure 5)

Hirose ('915) does not explicitly disclose concurrently outputting the first output including the digital content in the descrambled format for display and a second output including the digital content in the scrambled format for storage. Nishimura et al.('218) discloses concurrently outputting the first output including the digital content in the descrambled format for display and a second output including the digital content in the scrambled format for storage. (Column 1, lines 58-67, column 2, lines 1-8). It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Hirose method with the Nishimura et al. method in order to eliminate the possibility that the general public might by content that is designated pay per view.

Allowable Subject Matter

Claims 77-95, 97-100 and 102 are allowed

Conclusion

Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the

Art Unit: 3621

specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Winter whose telephone number is (703) 305-3971. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on (703)305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

JMW
May 31, 2004



JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
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